

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
WILLIAM M. HOLLAND)	
)	
Conditional, Limited Request for Waivers)	
)	
Applications for Involuntary Assignment)	FCC File Nos. 0006361933, 0006361947, and 0006361960
)	
Applications for Renewal)	FCC File Nos. 0006953371, 0006953372, 0006953374, 0006953375, 0006953376, 0006953377, 0006953378, 0006953379, 0006953380, 0006953381, and 0006953382

ORDER AND ORDER ON RECONSIDERATION

Adopted: April 28, 2016

Released: April 29, 2016

By the Deputy Chief, Mobility Division, and Deputy Chief, Broadband Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. In this *Order and Order on Reconsideration*, we address the request of William M. Holland (Holland), the court-appointed receiver of Part 90 and Part 101 licenses formerly held by Pappammal Kurian (Kurian) or entities under her control, for a waiver of the Commission’s construction and operation requirements regarding those licenses, and for reinstatement of certain expired or cancelled former Kurian licenses and a waiver of the Commission’s construction and operation requirements regarding those expired or cancelled licenses.¹ We also address two petitions filed by Mobile Relay Associates (MRA) for partial reconsideration of the grant of the applications assigning licenses from Kurian to Holland,² and to deny Holland’s applications to renew some of those licenses.³ For the reasons stated below, we grant the MRA petition for reconsideration, dismiss as moot the MRA petition to deny, and grant in part the Holland waiver request.

¹ Conditional, Limited Request of William M. Holland for Waivers (filed Mar. 12, 2015) (Waiver Request). Mobile Relay Associates filed an opposition. Partial Opposition of MRA to Request for Waiver (filed Mar. 26, 2016) (MRA Waiver Opposition).

² Petition of MRA for Partial Reconsideration (filed Oct. 7, 2014) (MRA PFR). Holland filed an opposition, as did Environmental LLC (Environmental) and Warren Havens (collectively Havens Entities). Opposition of Havens Entities to Partial Petition for Reconsideration (filed Nov. 4, 2014); Opposition of Holland to Partial Petition for Reconsideration (filed Nov. 4, 2014) (Holland PFR Opposition). MRA filed a reply. Reply of MRA to Oppositions to Petition for Partial Reconsideration (filed Nov. 20, 2014).

³ Petition of MRA to Dismiss or Deny (filed Oct. 23, 2015) (MRA PTD). Havens Entities and Holland filed oppositions. Opposition of Havens Entities to Petition to Dismiss or Deny (filed Nov. 5, 2015); Opposition of Holland to Petition to Deny (filed Nov. 5, 2015). MRA filed a reply. Reply of MRA to Oppositions to Petition to Dismiss or Deny (filed Nov. 17, 2015).

II. BACKGROUND

2. On August 31, 2011, the District Court of Clark County, Nevada entered judgment in favor of AMTS Consortium, LLC, against Kurian for over six million dollars.⁴ Between that date and September 2012, Kurian filed an application to cancel one Commission license,⁵ and nine other Commission licenses⁶ expired without being renewed. In addition, the Mobility Division of the Wireless Telecommunications Bureau (Bureau) concluded that another license had automatically cancelled during this period on the basis of the permanent discontinuance of service,⁷ *i.e.*, the station had not operated for one year or more.⁸

3. On October 16, 2012, the court issued a temporary restraining order (TRO),⁹ which was later reduced to a preliminary injunction,¹⁰ prohibiting Kurian from transferring or otherwise disposing of any assets, including Commission licenses. Between that date and the end of 2013, 29 more Kurian licenses expired.¹¹

4. On January 29, 2014, the court appointed Holland as receiver to liquidate Kurian's licenses and distribute the proceeds to satisfy the judgment.¹² Specifically, the receivership order authorized Holland to seek Commission approval to take control of 116 specified licenses of Kurian or entities she controlled, and sell them. It also directed Kurian to turn over all records relating to the licenses within five business days, and not to interfere with Holland's control of the licenses, including his seeking needed approvals from the Commission. Another Kurian license expired in March 2014.¹³

5. On May 7, 2014, a day after being found in contempt of court for refusing to cooperate with the receiver,¹⁴ Kurian executed powers of attorney granting Holland authority to act with respect to

⁴ See Exhibit No. 1 (Judgment Against Pappammal Kurian, Case No. A-50938 (Dist. Ct., Clark County, Nev. Aug. 31, 2011) to Waiver Request, Exhibit 2 (Declaration of David Mincin) (Mincin Declaration). AMTS Consortium, LLC is now known as Environmental.

⁵ Station WPIQ777.

⁶ Stations WPVA705, WPVC873, WPVI846, WPKV330, WPKW756, WPUZ885, WPVK903, WPHY998, and WPWA371.

⁷ Station WQAQ340. See *Pappammal Kurian and Thomas Kurian*, Order on Reconsideration, 28 FCC Rcd 11025, 11027, para. 7 (WTB MD 2013) (*2013 Kurian Order*), *aff'd*, Order on Further Reconsideration, 29 FCC Rcd 5384 (WTB MD 2014).

⁸ 47 C.F.R. § 90.157(a).

⁹ See Exhibit No. 4 (Order Granting Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C (Dist. Ct., Clark County, Nev. Oct. 16, 2012)) to Mincin Declaration.

¹⁰ See Exhibit No. 5 (Order Granting Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C (Dist. Ct., Clark County, Nev. Dec. 6, 2012)) to Mincin Declaration.

¹¹ Stations WPKW294, WPMG886, WPWE654, WPWL311, WPWP553, WPWZ654, WPWZ933, WPXC618, WPXC944, WPXH849, WPXJ243, WPXM684, WPXZ830, WPYD946, WPYE914, WPYE970, WPHY636, WPHY215, WPHY298, WPHY941, WPYM965, WPMP534, WPWS741, WPWZ689, WPXG546, WPXH319, WPXK760, WPXM412, and WPHYQ412.

¹² See Waiver Request, Exhibit 1 (Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, at 2 (Dist. Ct., Clark County, Nev. Jan. 30, 2014)).

¹³ Station WPMX234.

¹⁴ See Exhibit 1 (Order Holding Pappammal Kurian in Contempt of Court, Case No. A-12-669776 (Dist. Ct., Clark County, Nev. May 6, 2014)) to Petition of Warren Havens, *et al* for Reconsideration, FCC File No. 0005264554.

the licenses.¹⁵ In June 2014, another five Kurian licenses expired.¹⁶

6. On July 10, 2014, Holland filed applications for involuntary assignment to himself of the 69 licenses listed in the receivership order that had not expired or been cancelled.¹⁷ The applications stated that Holland had been unable to verify the construction and operational status of the stations because Kurian had not turned over the relevant records.¹⁸ The applications were accepted on September 10, 2014. On October 7, 2014, MRA filed a petition for partial reconsideration, arguing that 31 of the licenses had automatically terminated because they were never constructed or placed in operation, or had been out of operation for at least one year before the assignment applications were filed.¹⁹

7. On March 12, 2015, Holland requested reinstatement of all of the licenses that were cancelled and a waiver to permit late renewal of the licenses that had expired, and also requested a waiver of the Commission's construction and operation requirements to allow him 18 months to arrange sale of the licenses and an additional year for the assignees to bring the stations into operation.²⁰ He explains that this reinstatement and waiver will allow him to liquidate the licenses as contemplated by the receivership order, and argues that relief is warranted in light of Kurian's failure to abide by the court's orders.²¹ He requests relief only with respect to as many licenses as need be sold in order to satisfy the judgment and pay the costs of the receivership; the waiver would not continue to apply to any remaining licenses.²² MRA opposes the request with respect to the licenses specified in its petition for partial reconsideration of the assignment applications, and with respect to 13 of the cancelled or expired licenses.²³

8. Holland has also filed renewal applications for a number of the 69 assigned licenses. On October 23, 2015, MRA filed a petition to dismiss or deny 11 of those renewal applications pertaining to licenses specified in MRA's petition for partial reconsideration of the assignment applications.²⁴

¹⁵ See Exhibit 2 to Description of Assignment, FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965.

¹⁶ Stations WQAH890, WQAJ377, WQAJ503, WQAJ984, and WQAJ986.

¹⁷ See FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965 (filed July 10, 2014).

¹⁸ See Statement Regarding Construction Status, FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965.

¹⁹ Stations WNXXG425, WPOZ668, WPRH562, WPRH760, WPRJ317, WPRJ618, WPRJ714, WPRJ815, WPRK215, WPRK286, WPRK711, WPRK946, WPRL297, WPRM344, WPSR462, WPSR875, WPTF275, WPTF276, WPTN279, WPTR503, WPTY595, WPUA346, WPUA453, WPUB270, WPUD601, WPUD821, WPUH708, WPUR914, WPXH935, WQUE734, and WQGU967. See MRA PTD at Appendix A. MRA does not seek reconsideration with respect to FCC File No. 0006361965, which did not assign any of these licenses. See MRA PFR at 1 n.1.

²⁰ See Waiver Request at 5-6.

²¹ *Id.* at 6-9.

²² *Id.* at 5.

²³ See MRA Waiver Opposition at 1-2.

²⁴ Stations WPRH562, WPRJ317, WPRJ618, WPRJ714, WPRJ815, WPRK215, WPRK286, WPRK711, WPRK946, WPRL297, and WPRM344. (It appears, from its reference to "twelve Discontinued Licenses," see MRA PTD at 3, that MRA also intended to oppose Holland's application to renew the license for Station WPRH760 (FCC File No. 0006953368), but the pleading was not filed under that application and omits the file number from the caption.) Holland subsequently filed to renew the licenses for MRA-challenged Station WQUE734 (FCC File No. 0007188319), but MRA has not opposed that application.

III. DISCUSSION

9. *MRA Petitions.* Section 1.106(b)(1) of the Commission's Rules provides that a petition for reconsideration filed by a person who is not a party to the proceeding "shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding."²⁵ The Bureau provided public notice of the involuntary assignment applications prior to accepting them.²⁶ MRA does not explain why it did not oppose the assignment applications at that time. We therefore agree with Holland²⁷ that the petition for partial reconsideration is defective.²⁸

10. We note, however, that MRA could file an informal request for Commission action pursuant to Section 1.41 of the Commission's Rules²⁹ seeking termination of the 31 licenses on the ground that they cancelled automatically for permanent discontinuance of operation.³⁰ There is no time limit on such requests, and they are not subject to standing or other procedural requirements.³¹ We conclude, therefore, that for reasons of administrative efficiency, it is in the public interest for us to consider the merits of MRA's petition.³²

11. Pursuant to Section 90.157 of the Commission's Rules, a station license cancels automatically upon permanent discontinuance of operations, *i.e.*, when the station has not operated for one year or more.³³ MRA argues that 31 of the licenses had automatically cancelled for permanent discontinuance before the assignment applications were filed in 2014. In support, it submits a declaration from Kurian stating "from personal knowledge that none of these Stations has been constructed or operational since at least June 30, 2012."³⁴ MRA also attached corroborating information regarding the authorized locations of some of the licenses to the effect that Kurian had no operations at those sites.³⁵

12. Absent conflicting evidence, we credit the declaration of a licensee regarding a station's

²⁵ 47 C.F.R. § 1.106(b)(1).

²⁶ See *Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, De Facto Transfer Lease Applications and Spectrum Manager Lease Notifications, Designated Entity Reportable Eligibility Event Applications, and Designated Entity Annual Reports Action*, Public Notice, Report No. 9810 (WTB rel. Aug. 6, 2014).

²⁷ See Holland PFR Opposition at 5-6.

²⁸ See, e.g., *Channel 23 Limited Partnership*, Memorandum Opinion and Order, 29 FCC Rcd 15073, 15074, para. 5 (2014).

²⁹ 47 C.F.R. § 1.41.

³⁰ See, e.g., *Warren Havens*, Order, 30 FCC Rcd 4642 (WTB MD 2015).

³¹ See, e.g., *AT&T and DirecTV*, Memorandum Opinion and Order, 30 FCC Rcd 9131, 9146, n.90 (2015); *Warren C. Havens*, Memorandum Opinion and Order, 28 FCC Rcd 16261, 16268, para. 18 & n.60 (2013).

³² See, e.g., *Cheektowaga-Sloan Union Free School District*, Order on Reconsideration, 20 FCC Rcd 1851, 1854, n.29 (WTB PSCID 2005) (citing *Goosetown Enterps., Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 12792, 12794-95, para. 7 (2001)); *Frank R. Michalak*, Order on Reconsideration, 19 FCC Rcd 1897, 1897, para. 1 (WTB PSCID 2004) (same). We therefore need not address Holland's other procedural objections to the MRA PFR. See Holland PFR Opposition at 1-5.

³³ 47 C.F.R. § 90.157(a).

³⁴ See MRA PFR at "Declaration of Pappammal Kurian" at 1.

³⁵ See MRA PFR at "Declaration of Mark J. Abrams" and "Declaration of Joyce Peters."

construction and operational status.³⁶ Holland's unsupported speculation³⁷ about Kurian's motives for making the declaration do not constitute conflicting evidence.³⁸ We therefore conclude on the record before us that the 31 licenses automatically cancelled for permanent discontinuance of operations before Holland filed the involuntary assignment application. A license that has cancelled automatically no longer exists and cannot be assigned.³⁹ Consequently, we grant MRA's petition for partial reconsideration of the involuntary assignment applications, and will update the Commission's Universal Licensing System (ULS) to reflect the cancellation of the 31 licenses. Applications to renew the challenged licenses will be dismissed once the licenses are cancelled in ULS, so we dismiss as moot MRA's petition to dismiss or deny those applications.

13. *Holland Waiver Request.* To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest;⁴⁰ or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest or the applicant has no reasonable alternative.⁴¹ Based on the record before us, we conclude that Holland has presented sufficient facts to meet the standard for grant of the requested waivers in part as specified below.

14. Cancelled and Expired Licenses. We deny Holland's request for reinstatement of the cancelled licenses, and grant a waiver to permit late renewal of a portion of the expired licenses.

15. As noted above, Kurian filed applications to cancel two licenses and allowed nine others to expire and one to cancel automatically for permanent discontinuance of operations before the TRO was issued. We previously have declined to set aside actions regarding the Kurian licenses that were taken before the TRO was issued since such matters do not implicate the Commission's general policy of accommodating court decrees.⁴² Because no court order prohibited Kurian from cancelling those licenses or letting them expire or cancel automatically, we will not set aside the cancellations of the cancelled licenses or permit Holland to file untimely renewal applications for the expired ones.

16. Another 29 licenses expired between the issuance of the TRO and the appointment of Holland as receiver. Holland argues that Kurian's failure to renew the licenses violated her obligations

³⁶ See, e.g., *2013 Kurian Order*, 28 FCC Rcd at 11027, paras. 5-7; *Pappammal Kurian and Thomas Kurian*, Order and Order Proposing Modification, 26 FCC Rcd 15177, 15178, para. 3 (WTB MD 2011) (*2011 Kurian Order*), *aff'd*, Order on Reconsideration and Order of Modification, 27 FCC Rcd 13516 (WTB MD 2012), *recon. granted on other grounds*, 28 FCC Rcd 11025 (WTB MD 2013); *Pappammal Wellington Kurian*, Order on Reconsideration, 22 FCC Rcd 18660, 18662, para. 5 (WTB MD 2007).

³⁷ See Holland PFR Opposition at 6-8.

³⁸ *Alliance Communications Group*, Order on Reconsideration, 30 FCC Rcd 10197, 10198, para. 4 (WTB MD 2015).

³⁹ See *A-1-A Repeater Company*, Memorandum Opinion and Order, 16 FCC Rcd 9748, 9750, para. 7 (2001) (grant of assignment application set aside; Commission holds there was no authorization to assign because license had automatically cancelled).

⁴⁰ 47 C.F.R. § 1.925(b)(3)(i).

⁴¹ 47 C.F.R. § 1.925(b)(3)(ii).

⁴² See *Pappammal Kurian et al.*, Order on Further Reconsideration and Second Order on Further Reconsideration, 30 FCC Rcd 1125, 1127, para. 7 (WTB MD 2015), *aff'g* Order and Order on Reconsideration, 29 FCC Rcd 4994, 4995-96, para. 6 (WTB MD 2014); *Pappammal Kurian et al.*, Order and Order on Reconsideration, 29 FCC Rcd 12699, 12700, para. 5 (WTB MD 2014); *Pappammal Kurian and Thomas Kurian*, Order on Further Reconsideration, 29 FCC Rcd 5384, 5385-86, para. 6 (WTB MD 2014).

under the TRO and preliminary injunction.⁴³ We disagree. The language of the TRO and preliminary injunction prohibited Kurian from transferring or otherwise disposing of any Commission licenses, but did not set forth any affirmative obligation to renew or otherwise preserve them. Consequently, the expiration of those licenses does not appear to violate any court order, and thus does not implicate the Commission's general policy of accommodating court decrees. We therefore deny the request with respect to these licenses.

17. In contrast, the receivership order required Kurian to take affirmative actions to enable Holland to seek Commission approval to take control of the licenses. Her refusal, until after she was found in contempt of court, to execute powers of attorney or turn over other information so that Holland could file the assignment applications contravened the court's order. Kurian's lack of cooperation impeded Holland from filing timely renewal applications, thereby leading to the expiration of six licenses. Holland cannot be faulted for having been improperly prevented from renewing the licenses despite his reasonable efforts.⁴⁴ Therefore, with respect to these licenses,⁴⁵ we grant Holland a waiver of the requirement that renewal applications be granted on or before the expiration date.⁴⁶ We will accept applications to renew these licenses if they are filed within 30 days from the release date of this *Order and Order on Reconsideration*.⁴⁷ A copy of this *Order and Order on Reconsideration* shall be submitted with the renewal applications.

18. Waiver of Construction and Operational Requirements. With respect to the six expired licenses for which we grant relief above,⁴⁸ and the 38 active licenses currently held by Holland (*i.e.*, the 69 assigned licenses less the 31 license that we conclude above have automatically cancelled),⁴⁹ we grant

⁴³ See Waiver Request at 8.

⁴⁴ See, e.g., *Henry Zappia*, Order on Reconsideration, 18 FCC Rcd 13118, 13120-21 ¶ 7 (WTB PSPWD 2003) (granting a waiver of the license renewal requirements to the holder of an expired license, based on the thwarting of his efforts to file a timely renewal application by an adversarial third party acting in contravention of a court order).

⁴⁵ Specifically, Stations WPMX234, WQAH890, WQAJ377, WQAJ503, WQAJ984, and WQAJ986. We note that Station WPMX234 was authorized for centralized trunked operations, which are not required to monitor for a signal from another system prior to transmitting. See 47 C.F.R. § 90.187. Co- or adjacent channel stations may have been licensed in the vicinity after the license for Station WPMX234 expired. Consequently, we will renew the license on the condition that the station must employ equipment that prevents transmission if a signal is present on that frequency from another system if that system was authorized between March 5, 2014 and the date the license is renewed and the system is an affected licensee pursuant to 47 C.F.R. § 90.187(d)(1), unless the licensee of Station WPMX234 obtains the written consent of that system's licensee.

⁴⁶ 47 C.F.R. § 1.949(a).

⁴⁷ See *2011 Kurian Order*, 26 FCC Rcd at 15182, para. 16 (citing *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission's Rules to Facilitate Development and Use of the Universal Licensing System in the Wireless Telecommunications Service*, Memorandum Opinion and Order on Reconsideration, 14 FCC Rcd 11476, 11486, para. 22 (1999) (renewal applications that are filed up to thirty days after the expiration date of the license will be granted *nunc pro tunc* if the application is otherwise sufficient under our rules)); *Jose N. Francis, et al.*, Letter Order, 24 FCC Rcd 4834, 4839, n.36 (WTB MD 2009).

⁴⁸ None of these licenses is among the 13 cancelled or expired licenses regarding which MRA opposes the waiver request, so we need not address the remaining issues raised in the MRA Waiver Opposition.

⁴⁹ Specifically, Stations WPRH552, WPRH553, WPRH565, WPRH761, WPRS537, WPRS628, WPRS629, WPST296, WPTA867, WPTF380, WPTI444, WPTI533, WPTN253, WPTT670, WPTX917, WPTX930, WPIA397, WPUA398, WPIF945, WPUH948, WPUN311, WPUN331, WPUN390, WPUV417, WPUV490, WQAN731, WQAQ609, WQAT850, WQAV571, WQAV860, WQAY262, WQAY263, WQBH646, WQBJ794, WQBP266, WQCB320, WQCH480, and WQFL329.

in part Holland's request for waiver of Sections 90.155⁵⁰ and 90.157 of the Commission's Rules. Holland requests waivers to allow him 18 months to arrange sale of the licenses, and an additional year for the assignees to bring the stations into operation. We conclude that one year, which coincides with the construction and operational requirements for most Part 90 licenses,⁵¹ constitutes a reasonable opportunity to bring the stations back into operation.⁵² Further relief would frustrate the purpose of the construction and operational requirements, which is to ensure the timely and efficient use of spectrum.⁵³ That Holland is acting on behalf of Kurian's creditor does not make additional relief appropriate.⁵⁴

19. We therefore grant a temporary waiver of the construction and operational requirements for a period of one year from release date of this *Order and Order on Reconsideration*, to allow these 44 stations to be brought back into operation. The one-year period will not be tolled or reset upon any assignment of the licenses.⁵⁵ Each license will be deemed to have cancelled automatically unless the licensee notifies the Bureau that the station was brought into operation within the one-year period.⁵⁶ After that period ends, we will update ULS to reflect the cancellation of any license that was not reported by the licensee to be operational.

IV. CONCLUSION AND ORDERING CLAUSES

20. For the reasons explained above, we grant in part the relief requested by Holland with respect to the 116 former Kurian licenses at issue.

21. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the Petition for Partial Reconsideration filed by Mobile Relay Associates on October 7, 2014, IS GRANTED TO THE EXTENT THAT the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the licenses for Stations WNXG425, WPOZ668, WPRH562, WPRH760, WPRJ317, WPRJ618, WPRJ714, WPRJ815, WPRK215, WPRK286, WPRK711, WPRK946, WPRL297, WPRM344, WPSR462, WPSR875, WPTF275, WPTF276, WPTN279, WPTR503, WPTY595, WPUA346, WPUA453, WPUB270, WPUD601, WPUD821, WPUH708, WPUR914, WPXH935, WQUE734, and WQGU967.

22. IT IS FURTHER ORDERED, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, that applications FCC File Nos. 0006953368, 0006953371-72, 0006953374-82, and 0007188319 SHALL BE DISMISSED, and the Petition to Dismiss or Deny filed by Mobile Relay Associates on October 23, 2015, IS DISMISSED AS MOOT.

⁵⁰ 47 C.F.R. § 90.155(a) (generally requiring that private land mobile radio stations be placed in operation within 12 months from the date of authorization).

⁵¹ See 47 C.F.R. §§ 90.155(a), 90.157(a).

⁵² See *2011 Kurian Order*, 26 FCC Rcd at 15182, para. 15.

⁵³ See, e.g., *Longhorn Communications Inc.*, Order on Reconsideration, 29 FCC Rcd 8200, 8206, para. 14 (WTB MD 2015) (citing 47 U.S.C. § 309(j)(4)(B)).

⁵⁴ See *FiberTower Spectrum Holdings LLC*, Memorandum Opinion and Order, 27 FCC Rcd 13562, 13576, para. 36 (WTB 2012), *vacated on other grounds*, *FiberTower Spectrum Holdings, LLC v. FCC*, 782 F.2d 692 (D.C. Cir. 2015).

⁵⁵ See 47 C.F.R. § 1.946(e)(3) (construction extensions will not be granted because the licensee undergoes a transfer of control or intends to assign the authorization, or solely to allow a transferee or assignee to complete facilities that the transferor or assignor failed to construct).

⁵⁶ Notification may be provided by letter or pleading submitted via ULS.

23. IT IS FURTHER ORDERED, pursuant to Sections 4(i), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(g), 303(r), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, that the Conditional, Limited Request for Waivers filed by William M. Holland on March 12, 2015 IS GRANTED TO THE EXTENT SET FORTH ABOVE AND IS OTHERWISE DENIED.

24. IT IS FURTHER ORDERED that Sections 1.949(a), 90.155(a), and 90.157(a) of the Commission's Rules, 47 C.F.R. §§ 1.949(a), 90.155(a), and 90.157(a), ARE WAIVED to the extent set forth above.

25. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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